

House File 2332 - Reprinted

HOUSE FILE _____
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 585)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to child support, including processing and
2 disbursement of support payments, modification of support
3 based upon permanency orders of the juvenile court, income
4 withholding and information sharing under the child support
5 recovery program and providing for applicability and
6 retroactive applicability.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 1 Section 1. Section 252B.9, subsection 1, Code Supplement
1 2 2005, is amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. j. Notwithstanding any provision of law
1 4 making this information confidential, data provided to the
1 5 department by an insurance carrier under section 505.25 shall
1 6 also be provided to the unit. Provision of data to the unit
1 7 under this paragraph shall not require an agreement or
1 8 modification of an agreement between the department and an
1 9 insurance carrier, but the provisions of this section
1 10 applicable to information received by the unit shall apply to
1 11 the data received pursuant to section 505.25 in lieu of any
1 12 confidentiality, privacy, disclosure, use, or other provisions
1 13 of an agreement between the department and an insurance
1 14 carrier.
1 15 Sec. 2. Section 252B.15, Code 2005, is amended by adding
1 16 the following new subsection:
1 17 NEW SUBSECTION. 3. Chapter 556 shall not apply to
1 18 payments received by the collection services center.
1 19 Sec. 3. NEW SECTION. 252D.16A INCOME WITHHOLDING ORDER
1 20 == CHILD SUPPORT RECOVERY UNIT.
1 21 If support payments are ordered under this chapter, chapter
1 22 232, 234, 252A, 252C, 252E, 252F, 252H, 598, 600B, or any
1 23 other applicable chapter, or under a comparable statute of a
1 24 foreign jurisdiction, and if income withholding relative to
1 25 such support payments is allowed under this chapter, the child
1 26 support recovery unit may enter an ex parte order notifying
1 27 the person whose income is to be withheld of the procedure to
1 28 file a motion to quash the order for income withholding, and
1 29 ordering the withholding of sums to be deducted from the
1 30 delinquent person's income as defined in section 252D.16
1 31 sufficient to pay the support obligation and requiring the
1 32 payment of such sums to the collection services center. The
1 33 child support recovery unit shall include the amount of any
1 34 delinquency and the amount to be withheld in the notice
1 35 provided to the obligor pursuant to section 252D.17A. Notice
2 1 of income withholding shall be provided to the obligor and to
2 2 the payor of income pursuant to sections 252D.17 and 252D.17A.
2 3 Sec. 4. Section 252D.17, subsection 8, Code 2005, is
2 4 amended to read as follows:
2 5 8. If the payor knowingly fails to withhold income or to
2 6 pay the amounts withheld to the collection services center or
2 7 the clerk of court in accordance with the provisions of the
2 8 order, the notice of the order, or the notification of payors
2 9 of income provisions established in section 252B.13A, the
2 10 payor commits a simple misdemeanor for a first offense and is
2 11 liable for the accumulated amount which should have been
2 12 withheld, together with costs, interest, and reasonable
2 13 attorney fees related to the collection of the amounts due
2 14 from the payor. For each subsequent offense prescribed under

2 15 this subsection, the payor commits a serious misdemeanor and
2 16 is liable for the accumulated amount which should have been
2 17 withheld, together with costs, interest, and reasonable
2 18 attorney fees related to the collection of the amounts due
2 19 from the payor.

2 20 Sec. 5. Section 252D.18, Code 2005, is amended by adding
2 21 the following new subsection:

2 22 NEW SUBSECTION. 1A. The child support recovery unit may
2 23 modify an amount specified in an income withholding order or
2 24 notice of income withholding by providing notice to the payor
2 25 of income and the obligor pursuant to sections 252D.17 and
2 26 252D.17A.

2 27 Sec. 6. Section 505.25, Code Supplement 2005, is amended
2 28 to read as follows:

2 29 505.25 INFORMATION PROVIDED TO MEDICAL ASSISTANCE AND
2 30 HAWK=I PROGRAMS AND THE CHILD SUPPORT RECOVERY UNIT.

2 31 A carrier, as defined in section 514C.13, shall enter into
2 32 a health insurance data match program with the department of
2 33 human services for the sole purpose of comparing the names of
2 34 the carrier's insureds with the names of recipients of the
2 35 medical assistance program under chapter 249A, individuals

3 1 under the purview of the child support recovery unit pursuant
3 2 to chapter 252B, or enrollees of the hawk=i program under

3 3 chapter 514I.

3 4 Sec. 7. Section 598.21C, subsection 1, paragraph k, Code
3 5 Supplement 2005, is amended to read as follows:

3 6 k. Entry of a dispositional or permanency order in
3 7 juvenile court pursuant to chapter 232 placing custody or
3 8 physical care of a child with a party who is obligated to pay
3 9 support for a child. Any filing fees or court costs for a
3 10 modification filed or ordered pursuant to this paragraph are
3 11 waived.

3 12 Sec. 8. APPLICABILITY. The section of this Act amending
3 13 section 598.21C applies to permanency orders entered by the
3 14 juvenile court on or after July 1, 2006.

3 15 Sec. 9. RETROACTIVE APPLICABILITY == AMENDING RULES. The
3 16 sections of this Act creating section 252D.16A and amending
3 17 section 252D.18 are retroactively applicable to support orders
3 18 and income withholding orders entered or pending before July
3 19 1, 2006. Until the department of human services amends rules
3 20 pursuant to chapter 17A to conform to those sections of this
3 21 Act, any existing rule regarding an amount to be withheld or
3 22 an amount of a delinquency in an income withholding order
3 23 shall be interpreted to also mean that the unit may specify
3 24 such an amount in a notice of income withholding in lieu of an
3 25 income withholding order. Any existing rule providing a right
3 26 to contest a new or modified income withholding order through
3 27 the unit shall be interpreted to also mean a right to contest
3 28 each notice of income withholding which specifies a new or
3 29 modified total amount to withhold.

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